IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 17373 of 2004

Between:
Kavali Buchanna, S/o.Late Kurumanna,
R/o.Arepally Village, Atmakur Mandal,
Mahaboobnagar District.

..... PETITIONER

AND

1 The Mandal Revenue officer, Atmakur Mandal, Mahaboobnagar District.
2 The Executive Engineer, Priyadarshinijurala project, office at Nandimalla Village,
Atmakur Mandal of Mahaboobnagar Dist.
3 Smt.Kavali Laxmamma, W/o.Pullanna,
R/o.Arepally Village, Atmakur Mandal,
Mahaboobnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of 1st respondent in issuing the impugned letter No.A/1414/2004 dated 20-9-2004 preventing the petitioner from drawing the water through the channel existing all along the border in sy.No.84/E for the purpose of cultivation of the land in sy.no.83 belonging to the petitioner at Arepally village, Atmakur Mandal, Mahaboobnagar Distirct, as illegal, unlawful contrary to law and against the priciples of natural justice and consequently direct the respondents not to prevent the petitioner from drawing water through the channel in sy.No.84/E for the purpose of cultivation of the Agriculture land in Sy.no.83 in above village and pass.

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel on either side and with their consent the writ petition itself is disposed of at the stage of admission.

By virtue of the impugned orders in No.A/1414/2004 dated 20.9.2004 passed by the 1st respondent-MRO, the petitioner is deprived of water to irrigate the lands belonging to him. He assails the said order in this writ petition. It is the case of the petitioner that by virtue of the inspection conducted on 15.9.2004, the petitioner was permitted to draw the water through the Sy.No.84/E.

Learned counsel for the petitioner submits that the petitioner will file application either before the Revenue Divisional Officer or the Joint Collector to have a field inspection and for issuance of necessary directions in order to enable the petitioner to draw the water.

Having regard to the facts and circumstances of the case, the petitioner is at liberty to file application before the RDO or the Joint Collector as the case may be for inspection of the lands of the petitioner and for issuance of suitable instructions for drawing the water to the crop, if any existing. On such an application being made by the petitioner, the concerned RDO or the Joint Collector may issue notice to the petitioner within three days from the date of receipt of the same and take action according to law.

The writ petition is accordingly disposed of. No costs.

28.9.2004

Note:
CC in two days.
Bo CVM

1 The Mandal Revenue officer, Atmakur Mandal, Mahaboobnagar District.
2 The Executive Engineer, Priyadarshinijurala project, office at Nandimalla Village,
Atmakur Mandal of Mahaboobnagar Dist.
3 Smt.Kavali Laxmamma, W/o.Pullanna,
R/o.Arepally Village, Atmakur Mandal,
Mahaboobnagar District.
4 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT)
5 2 CD copies.